

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

**EDWARD THEODORE  
MCCASKILL,**

Plaintiff,

vs.

**THE PEOPLE OF THE STATE  
OF MICHIGAN,**

Defendant.

**2:19-CV-11432-TGB**

**ORDER REQUIRING  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS OR IN  
THE ALTERNATIVE TO PAY  
THE FILING FEE**

On May 15, 2019, Plaintiff Edward Theodore McCaskill filed a complaint against Defendant the people of the state of Michigan pursuant to 42 U.S.C. § 1983. ECF No. 1. Plaintiff did not pay the civil case filing fee or serve the Defendant. In the Complaint, Plaintiff indicated that he intended to proceed in forma pauperis. *Id.* at PageID.30. Plaintiff did not, however, file an application to proceed in forma pauperis.

28 U.S.C. § 1915(a) provides that “any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding . . . without prepayment of fees or security therefor,

by a person who submits an affidavit that includes a statement of all assets.” If such a motion to proceed in forma pauperis is accompanied by a facially sufficient affidavit, the court should allow the complaint to be filed. *See Gibson v. R.G. Smith Co.*, 915 F.2d 260, 261 (6th Cir. 1990).

In this case, Plaintiff has failed to file an application to proceed in forma pauperis with an accompanying statement of assets. The Court is therefore unable to determine if Plaintiff is entitled to proceed in forma pauperis.

Within thirty (30) days of the date of this Order, Plaintiff **IS HEREBY ORDERED to either pay the civil case filing fee or file an application to proceed in forma pauperis.** If Plaintiff does not pay the filing fee or file an application to proceed in forma pauperis within thirty (30) days, the Complaint will be dismissed without prejudice.

DATED this 20th day of December, 2019.

BY THE COURT:

/s/Terrence G. Berg

TERRENCE G. BERG

United States District Judge